



THE CITY OF NEW YORK
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January 4, 2023

VIA ECF

Honorable Gabriel W. Gorenstein
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMORANDUM ENDORSED

Re: *Holmes v. Trapasso, et al.*, 21-CV-10628 (VEC)(GWG)

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and attorney for defendants James Trapasso, Amanda Vanwieren-Johnson, and Ralph Pena in the above matter. I write to respectfully request that the Court adjourn the January 13, 2023 initial conference to a future date and time convenient for the Court and the parties, such as January 26, 27, or 30, in particular January 26, 2023 at 10:00 a.m. The undersigned contacted Your Honor's Deputy Clerk and confirmed the Court is available on these dates. Plaintiff counsel consents to the instant application.

By way of background, Plaintiff brings this action, pursuant to 42 U.S.C. §1983, against defendants Vanwieren-Johnson, Trapasso, and Pena, alleging claims of malicious prosecution and denial of the right to a fair trial stemming from his arrest on or about November 23, 2010. *ECF No. 10, Amended Complaint* at pg. 4. Plaintiff further alleges that, on or about September 14, 2021, all criminal charges against him were dismissed and the prosecution was terminated in his favor. *Id.*

As to the procedural history, defendants filed their answer to the complaint on December 23, 2022. Thereafter, on December 28, 2022 the Court scheduled an initial conference by telephone for January 13, 2023 at 10:00 a.m. The undersigned's first request to adjourn the conference, ECF No. 45, was denied without prejudice for failure to contact the Deputy Clerk to obtain the Court's availability in accordance with paragraph 1.F of Your Honor's Individual Practices. The undersigned will be out of the office from January 6, 2023 to January 16, 2023 on vacation. As

such, I will not be available to attend the previously scheduled conference. The undersigned has conferred with plaintiff's counsel and the parties are available on January 26, 27, or 30 to attend an initial case management conference with the Court.

Therefore, defendants respectfully request that the January 13, 2023 initial case management conference be adjourned to January 26, 27, or 30, in particular January 26, 2023 at 10:00 a.m., or to a future date and time convenient to the Court.

Thank you for your consideration of the instant application.

Respectfully submitted,

/s/ Thomas Lai

Thomas Lai

Senior Counsel

Special Federal Litigation Division

To: VIA ECF
Edward Sivin
Attorney for Plaintiff

Adjournment to January 26, 2023, at 10 a.m. is granted. The proposed scheduling order is due January 24, 2023.

So Ordered.



GABRIEL W. CORENSTEIN
United States Magistrate Judge

January 5, 2023